MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019

UJP 3712 – JURISPRUDENCE

(All sections / Groups)

11 March 2019
Reading Time: 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOUR** in which to answer the questions.

2. This Question paper consists of 2 pages with **PART A** and **PART B**. Students have to answer **one question only** from **PART A** and answer **three questions** from **PART B**.

3. All questions carry equal marks and the distribution of the marks for each question is given.

4. Please write all your answers in the Answer Booklet provided.

PART A

Answer one (1) question only.

QUESTION 1A

'Analysing the content of Austin's theory of law can proceed without locating it within the historical and social conditions which gave rise to it, but appreciating the meaning of the theory cannot."

Discuss.

(25 marks)

QUESTION 1B

Explains and evaluate the reasons Hart gives for rejecting the view that the law of any society consists in the general orders of a 'sovereign'.

(25 marks)

PART B

Answer ALL questions.

QUESTION 2

i. Critically analyse the relationships between law and morality. Illustrate your answer with examples.

(15 marks)

ii. Is there a prima facie moral obligation to obey the law?

(10 marks)

(Total: 25 marks)

QUESTION 3

i. What, exactly, divided Hart and Fuller in their famous debate about the relationship between law and morals?

(15 marks)

ii. Critically analyse the Devlin-Hart controversy. **(10 marks)**

(Total: 25 marks)

Continued...

QUESTION 4

i. "Natural law theories are out of touch with times". (Jeremy Bentham, Introduction to the Principles of Morals and Legislation)

Discuss.

(10 marks)

ii. What insights, if any, does Marxism have for our contemporary understanding of law?

(7 marks)

iii. 'Maine's theory is free from the abstract and unreal romanticism which vitiates much of von Savigny's theory about the evaluation of law.' (Friedmann)

(8 marks)

(Total: 25 marks)

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